

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

GARY BANKS

Case No: 3:94-CR-43-3H

USM No: 10878-056

Date of Original Judgment: December 1, 1994

Date of Previous Amended Judgment: December 11, 1997

Thomas P. McNamara

Defendant's Attorney

(Use Date of Last Amended Judgment if Any)

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment *(as reflected in the last judgment issued)* of _____ months **is reduced to** _____

The sentence for which the defendant is currently incarcerated results from a revocation of supervised release.

Therefore, the defendant is not eligible for a reduction under 18 U.S.C. § 3582(c)(2), Amendment 706, as amended, or Amendment 750 (Parts A and C).

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated December 11, 1997 shall remain in effect. **IT IS SO ORDERED.**

Order Date:

12/05/2012

Judge's signature

Effective Date:

(if different from order date)

Malcolm J. Howard, Senior US District Judge

Printed name and title